**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GREGORY A. SNIDER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 07-cv-0733-MJR**
	)	
MICHAEL V. ESPOSITO, JR., and	)	
MICHAEL V. ESPOSITO, SR.,	)	
	)	
Defendants.	)	

MEMORANDUM and ORDER

REAGAN, District Judge:

On December 10, 2007, Plaintiff filed a jurisdictional memorandum in compliance

with the Court's November 16, 2007 Order directing Plaintiff to state clearly the citizenships of each

and every party to this action.

In Plaintiff's memorandum, he affirmatively states that he is a citizen of the State of

Illinois. However, rather than affirmatively stating the citizenships of Defendants, Plaintiff asserts

that "upon information and belief," Defendants are citizens of the State of New Jersey. Plaintiff also

provides facts and information which "create a presumption" that Defendants are citizens of New

Jersey and contends that the Court should "deem" them as such.

In this Circuit, however, allegations based upon "information and belief" are

insufficient to invoke federal jurisdiction. ***See, e.g., America's Best Inns, Inc. v. Best Inns of***

***Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)**. Thus, Plaintiff has again failed to state clearly

the citizenships of Defendants, as required.

The Seventh Circuit has instructed district courts freely to grant leave to amend

defective allegations of subject matter jurisdiction <u>or</u> to allow the parties to brief jurisdictional issues

(rather than *sua sponte* dismissing cases for lack of jurisdiction). ***See Leaf v. Supreme Court of Wisconsin*, 979 F.2d 589, 595 (7th Cir. 1992),** *cert. denied*, **508 U.S. 941 (1993);** *Fey v. E.P.A.*, **270 F.3d 1129, 1131-32 (7th Cir. 2001) ("sua sponte dismissals without prior notice or opportunity to be heard are hazardous," and "unless the defect is clearly incurable a district court should . . . allow the parties to argue the jurisdictional issue. . . .").**

Accordingly, the Court **ORDERS** Plaintiff to file a jurisdictional memorandum addressing the citizenships of Defendants **on or before December 26, 2007**.

IT IS SO ORDERED.

DATED this 11th day of December, 2007

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge